



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 02/02/99

AGENDA ITEM 7

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Vesting Tentative Map Tract 7044 & Site Plan Review Application No. 98-130-10 .
Passport Homes, Inc. (Applicant) Tom & Helga Barras Et Al (Owners) - Request to
subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786
square feet to 7,081 square feet and to request approval of site and architectural plans

The project is located at 24912, 24918 and 24924 Mohr Drive, easterly side,
approximately 130 feet north of Laguna Drive and to the west of Bamboo Court, in
an RSB4 (Single-Family Residential, 4,000 square-foot minimum lot size) District.

RECOMMENDATION:

It is recommended that the City Council:

- Deny Vesting Tentative Map Tract 7044 and Site Plan Review Application 98-130-10

DISCUSSION:

At the Council hearing of January 5, 1999, the above referenced project was held over by Council with direction to the applicant and staff to explore the possibility of achieving the number of lots desired by the applicant (thirteen) while meeting City development standards. The applicant met with staff several times since the January 5 meeting and several tract designs were considered. However, none of the designs achieved both the applicant's goal of thirteen lots and met the City's development standards for tracts.

Tract Map 7044

The Vesting Tentative Map Tract 7044 application reviewed on January 5 contained 13 lots (see *Exhibit C, Figure A*). Five lots fronted Mohr Drive, and eight lots were located on the extension of Bamboo Court. Staff did not support the project because the design was not consistent with the City's Design Guidelines and adopted street standards for cul-de-sacs in that the lots shown on Bamboo Court were not fanned around the cul-de-sac. This created a lotting pattern that would deprive some of the abutting parcels of privacy within the homes and yards and which would limit visibility of the street from living areas in order to maintain the social function of the street. The proposed extension of Bamboo Court also terminated at a blank wall, creating a negative view corridor. The developer believed that these design problems

could be addressed using various landscape and glazing solutions, and that the layout was superior since it provided eleven on-street parking spaces for the eight proposed dwellings (a ratio of 1.37 parking spaces per unit).

The applicant states that even though he has prepared alternative layouts for the subdivision, he still desires to construct the original design submitted with his application (*Exhibit C, Figure A*). He believes that the layout presents a straightforward approach and that the concerns listed by staff can be mitigated. If the City is not willing to approve this design, then his second choice would be Alternate Layout 2 (*Exhibit C, Figure E*) which shows “stem” or “flag-shaped” lots on the cul-de-sac that extends off from Bamboo Court. He believes that the siting of the homes on the large lots provides good setbacks to adjoining homes and achieves the number of on-street parking spaces required.

Staff Alternative

At the January 5 meeting, staff had suggested an alternative design (*Exhibit C, Figure B*) that showed a standard design for a tract that met all City development standards. The applicant objected to this plan because fewer lots (twelve) would be achieved.

Other Tract Designs

The listing below gives a brief description of the alternative plans that were considered since the January 5 meeting. *Exhibit E* provides a comparison of the different designs.

- Alternate Layout 1 – Flag Lots

A councilmember suggested exploring a tract design that included flag lots. Alternate 1 shows thirteen lots (*see Exhibit C, Figure C*) with five lots fronting Mohr Drive and eight lots around a cul-de-sac extended off of Bamboo Court. This alternate layout utilizes flag lots for lots 7 and 12. Lot 6 does not meet City standards in that it has only 30 feet of frontage on the street where a minimum 35 feet is required by ordinance. In the case of lot 6, access to the driveway apron would necessitate an easement across lot 7. Staff was not supportive of this layout since (a) the homes on the stem lots did not have orientation to the street as specified by the City’s Design Guidelines, (b) there are no lotting patterns in the area of this type, (c) some of the lots would require granting variances to building setbacks, e.g. lots 6 and 10, and (d) lots 7 and 12 show side yards of 15 feet where they abut rear yards on adjacent parcels which could create privacy issues. The model shown on lot 13 would need to be redesigned so that the front door would be oriented to the street and not the side yard. The driveway would also have to be extended back another 20 feet to serve the garage. Overall, this plan shows good yard areas around each home site. This plan provides at least one on-street parking space for each dwelling on the cul-de-sac.

- Alternate Layout 2

This layout (see *Exhibit C, Figure D*) shows five lots oriented to and fronting on Mohr Drive, with the remaining eight lots are located and fanned out around a cul-de-sac which is the extension of Bamboo Court. This plan provides good setbacks between abutting homes, and the street no longer terminates at a blank wall. The plan follows the Design Guidelines and Subdivision Ordinance by fanning the lots around a cul-de-sac. This plan, however, also does not meet City standards for tracts. The siting of eight lots around the cul-de-sac results in lots 8 and 11 having lot frontages of only 20 feet where a minimum of 35 feet of frontage is required by ordinance. Although the applicant refers to these as "flag" or "stem" lots, they do not meet the City's design requirements for flag lots. They are actually irregularly shaped parcels. In order for the other six lots to meet the minimum frontage requirement, the side lot lines must be askew. This creates many irregularly shaped lots, which would not provide the traditional amount of landscaping found in the front yard setback. The reduction of landscaping within this area would cause the driveways and hard surface walkways to dominate the streetscape. Perhaps even more important, the proposed design would further limit the amount of available on-street parking for these eight homes. The plan, at best, creates only 4 on-street parking spaces for a ratio of 0.5 space per lot where the City policy calls for 1.0 space per lot.

The cul-de-sac lacks sufficient space to provide for eight lots that have enough frontage on the street to meet minimum requirements. The reduction of one lot from the cul-de-sac design results in ample frontage for each lot without irregular lot lines. A twelve-lot subdivision with seven lots fanning around a cul-de-sac presents none of the negative issues presented by the original proposal or the proposed alternate layout. The seven-lot cul-de-sac design also provides nine on-street parking spaces for the seven homes, for a ratio of 1.28 spaces per lot, which exceeds City requirements.

- Alternate Layout 3 – Cul-de-Sac Off Mohr Drive

One alternative examined a thirteen-lot layout (see *Exhibit C, Figure D*) with five lots fronting Mohr Drive and eight lots fanned around a cul-de-sac extended off of Mohr Drive. The street is shown to be a private street with a 32-foot cross section closest to Mohr Drive. This plan was not found to be acceptable by staff since (a) access from a collector street is not advisable (b) Bamboo Court would dead-end abruptly at a fence or wall (c) the side street yards between homes and the private street are only 6 feet where 10 feet minimum is required by ordinance, (d) two of the homes (lots 6 and 13) have side yards abutting rear yards of adjacent homes, and (e) lots 8, 9, 10 and 11 have less than the required 35 feet of frontage on the street. As with other cul-de-sac plans that show eight lots fronting the street, much of the front yards will be dominated by driveways and will be paved. This plan provides for approximately one on-street parking space for each dwelling on the cul-de-sac.

- Other Alternate Layouts

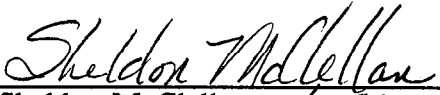
Several other alternate layouts were prepared and discussed with staff but drawings were not left with staff. One of these showed Bamboo Court being extended through the property and connecting with Mohr Drive. This proposal would be controversial with residents on Bamboo Court who would not desire to have increased traffic passing in front of their homes. Another layout showed a street being extended from Mohr Drive and terminating at the wall that separates the property from Bamboo Court. This layout was not acceptable since there was no turn-around bulb (cul-de-sac) at the wall, which would serve on-street traffic and emergency vehicles. The design would force motorists to use the private driveways of the end homes as a turn-around space if they were void of parked vehicles. With vehicles in the driveways, there would be no means to turn the vehicles around. Also, the street ending at the wall creates a negative view corridor.

Conclusion

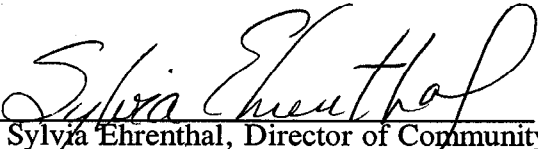
Staff recommends denial of Vesting Tentative Map Tract 7044 and Site Plan Review Application No. 98-130-10 because of the arguments presented above. Findings for denial are attached as Exhibits A and B. A denial action would not prevent the applicant from resubmitting the application showing only seven lots on the cul-de-sac.

If the Council is supportive of one of the applicant's proposed subdivision designs, they should continue the hearing until the next regular meeting (February 9) in order to allow time to draft findings for approval and to review applicable conditions of approval. In some cases, variances from the Zoning Ordinance may need to be granted where the minimum property frontage is not met or where building setbacks are less than what the code requires. If the Council finds that the alternate layout (*Exhibit C, Figure C*) showing only 12 lots is appropriate for the property, the applicant must agree to that design before approval action can be granted.

Prepared by:


Sheldon McClellan *by SE*
Senior Planner

Recommended by:


Sylvia Ehrental, Director of Community
and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments:

- Exhibit A - Vesting Tentative Map Tract 7044 - Findings for Denial
- Exhibit B - Site Plan Review Application No. 98-130-10 - Findings for Denial
- Exhibit C - Layout Comparison for Vesting Tentative Map Tract 7044
- Exhibit D - Staff Report and City Council Minutes dated January 5, 1999
Draft Resolution(s)

EXHIBIT A

**FINDING FOR DENIAL
VESTING TENTATIVE TRACT MAP 7044
FOR 13 SINGLE-FAMILY**

**Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)
Bamboo Court**

Based on the public hearing record, the City Council finds as follows:

The tentative tract map as proposed *does not* conform with the City of Hayward Subdivision Regulations, in that it violates the requirements of the Hayward Municipal Code regarding lot design, lot lines and minimum lot frontage. The applicant did not show cause for granting of a variance due to hardship or special circumstance.

EXHIBIT B

**FINDING FOR DENIAL
SITE PLAN REVIEW APPLICATION NO. 98-130-10
Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)**

Based on the public hearing record, the City Council finds as follows:

The proposed subdivision **does not** comply with the minimum City of Hayward development standards where each lot is to have a minimum of 35 feet of frontage on a public street and that design cannot be viewed as meeting minimum design standards when the tract has not been approved.

LAYOUT COMPARISON FOR VESTING TENTATIVE MAP TRACT 7044

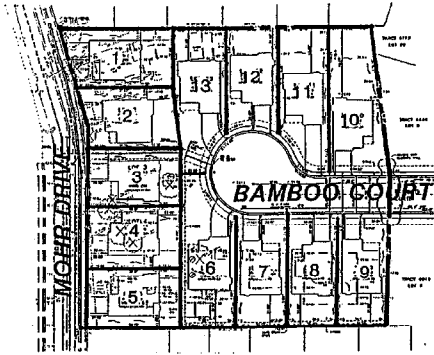


Figure A: Tract 7044
13-Lot Layout proposed by applicant as part of the original submission of Vesting Tentative Map Tract 7044. Lots are not fanned out around the street and the street extension terminates at a blank wall.

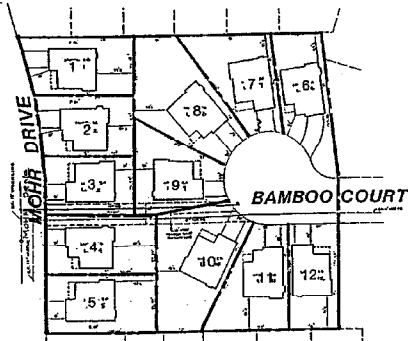


Figure B: Staff Alternative
Alternate layout recommended by staff providing 12 lots. All lots would conform to the Subdivision and Zoning Ordinances and on-street parking would be provided on Bamboo Court at a ratio of 1.28 spaces per dwelling.

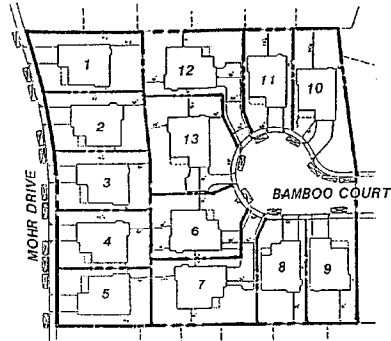


Figure C: Alternative 1
13-Lot layout with lots 7 and 12 being "flag-shaped" or having "stems". Layout was rejected since stem lots did not have orientation to the street as specified by the City's Design Guidelines. Some of the lots would require variances for placement of the models. House on lot 13 would required to be flipped to orient the entrance toward the street.

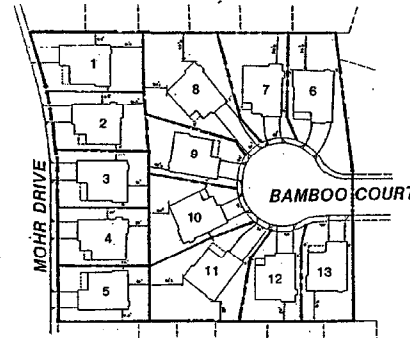


Figure D: Alternative 2
The most recent 13-Lot Layout proposed by the applicant with eight lots fanned around the cul-de-sac. Two lots have less than the required 35-foot of frontage on the street. Only four on-street parking spaces can be provided for the eight lots fronting the cul-de-sac (ratio of 0.5 space per dwelling).

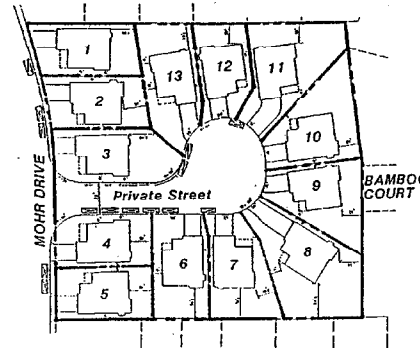


Figure E: Alternative 3
13-Lot Layout rejected by staff because of setback problems, privacy issues with lots 6 and 13 where they abut rear yards on adjacent lots, and lots 8, 9, 10 and 11 not meeting the 35-foot frontage requirement.

John Gilbertson, 22907 Nevada Road, reiterated a previous request for a Council parliamentarian. He commented against the Mayor always referring items from Public Comments to staff and noted that there are five other options that can be made.

William Blundin, 1089 D Street, stated his concerns regarding a property that was abated while he was tenant. He asked that Council direct staff to provide legal advice on this issue and particularly his concern that there was a violation of the Brown Act when the Building Abatement Appeals Board considered his issue and he was not notified.

CONSENT

1. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of December 15 1998.

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Henson, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of December 15, 1998.

2. Fire Station No. 9: Award of Contract and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Bauman, dated January 5, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 99-001, "Resolution Awarding Contract to Jim Duffy Construction, Inc. for the Fire Station No. 9 Project, Project No. 6950

Resolution 99-002, "Resolution Amending Resolution 98-107, as Amended, the Budget Resolution for Fiscal Year 1998-99, Relating to Transfer of Funds from the General Fund to the Capital Improvement Fund for the Fire Station No. 9 Project, Project No. 6950

HEARINGS

3. Vesting Tentative Map 7044 and Site Plan Review No. 98-130-10 - Passport Homes, Inc. (Applicant) Tom & Helga Barras et al (Owners) - Request to Subdivide Three Parcels Totaling 1.92 Acres into 13 Parcels, and Request Approval of Site and Architectural Plans for 13 Single-Family Dwellings - Property Located at 24912, 24918 and 24924 Mohr Drive

Staff report submitted by Senior Planner Sheldon McClellan, dated



MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD, City Council
Chambers 777 B Street, Hayward, CA 94541
Tuesday, January 5, 1999, 8:00 p.m.

January 5, 1998, was filed.

Senior Planner McClellan made the staff report noting that staff recommends denial and proposes an alternative design to comply with City standards and requirements. He responded to Council questions.

Council Member Ward asked staff if other alternative plans were submitted. He asked whether flag shaped lots had been considered.

Mayor Cooper opened the Public Hearing at 8:39 p.m.

Don Babbitt, 11626 Regio Court, Dublin, developer of the project, informed the Council on what he plans to do to address staff concerns over privacy and the wall at end of the corridor. He commented that he did not receive the City's Design Guidelines until after his design work was completed. He noted that a two-year bond would be set up to guarantee landscaping. He also expressed concern in eliminating one lot. Discussion ensued. Council Member Dowling was informed that the homes would be approximately 2,300 square feet lots at \$325,000 price range. Maintenance concerns were also discussed including the difficulty in enforcing the maintenance of the landscape at the wall area.

Council Member Ward asked if the applicant would be supportive in reviewing his plans again with staff to optimize his project.

Maureen Bessette, 24881 Yoshida Drive, indicated that she has attended all of the meetings regarding this developer stating that he has attempted to comply with City standards and spoke in support of the project. She reported that more parking spaces would be beneficial for that area.

Al Reynolds, 2547 Erskine Lane, expressed concerns regarding the impact of additional students to Eden Gardens Elementary and the use of trucks during the development.

Charles Ajisaka, 1972 Bamboo Court, stated that presently there are six children on his court and there would be an impact to the local elementary school. He was concerned that the project would generate more traffic. He also was concerned that leaves would be littering his yard from the proposed landscaping. Lastly, he was concerned that he had not been informed about this development two years ago, at the time he purchased his home, and its impact on his property.

Council Member Jimenez asked Ms. Besette whether other neighbors agreed with her support of the development. She indicated that a number of them agreed with her assessment of the positive impact of the project.

In response to Council Member Rodriguez' question, staff noted that there could be approximately seven students in this new development and that the school district has stated that it will not impact Eden Gardens Elementary School. In regards to comments made by Mr. Reynolds, she urged staff

to make careful decisions regarding the use of Depot Road by trucks going to and from this project.

Council Member Henson also asked Ms. Bessette her preference for the layout of the development. She said she had no preference but would like to see more space in the project.

D.J. Evans, 361 Bristol Boulevard, San Leandro, made comments on the plan that were submitted and suggested that Lot #3 be eliminated to improve the project.

Mayor Cooper closed the Public Hearing at 9:21 p.m., and asked the applicant if he was amenable to continuing the public hearing. The applicant concurred.

Council Member Henson moved, seconded by Council Members Dowling and Jimenez, and unanimously carried by all present to continue the public hearing until February 2, 1999, with the concurrence of the applicant, in order to provide time for staff to work with the applicant to assure that all issues are resolved.

Council Member Jimenez asked that an addendum be included to provide that a copy of the letter submitted by Mr. Babbitt directly to the Planning Commission is distributed to each Council Member as well as staff.

Council Member Rodriguez commented that this project was prematurely submitted to the Council.

LEGISLATIVE BUSINESS

4. Proposed Name Change from Hayward Air Terminal to Hayward Executive Airport

Staff report submitted by Airport Manager Shiner, dated January 5, 1998, was filed.

Airport Manager Shiner indicated in his staff report that the present name can be misleading. The name change to Hayward Executive Airport was agreed to by all of the Airport Committee.

As there were no questions from Council, Mayor Cooper opened the public hearing at 9:29 p.m. Nubar Deombeleg, 18136 Reamer Road, Castro Valley, a tenant at the airport for the past 28 years, spoke on behalf of the aircraft pilots of the Bay Area using the Hayward Terminal and also the California Pilots Association stating that they were in complete agreement with the name change. It would be most appropriate and could improve the image of this City as well as attract additional business.

John Neath, 681 Longwood Avenue, was pleased with the recommended name change and suggested that there be a department manager for the airport rather than for it to be administered under the Public Works department. He also suggested the Airport Committee be replaced by an Airport Commission.

Mayor Cooper closed the public hearing at 9:33 p.m.



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 01/05/99

AGENDA ITEM 3

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Vesting Tentative Map Tract 7044 & Site Plan Review Application No. 98-130-10 - Passport Homes, Inc. (Applicant) Tom & Helga Barras Et Al (Owners) - Request to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet and to request approval of site and architectural plans

The project is located at 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court, in an RSB4 (Single-Family Residential, 4,000 square-foot minimum lot size) District.

RECOMMENDATION:

The Planning Commission (5:2) recommends approval.

1. Approve the Negative Declaration;
2. Approve the Vesting Tentative Map Tract 7044, subject to the attached conditions;
3. Approve Site Plan Review Application No. 98-130-10; and
4. Vacate excess right-of-way and authorize the City manager to execute the sale of excess real property.

Staff recommends denial.

DISCUSSION:

Project Description

The proposed subdivision consists of five lots along Mohr Drive and eight lots along an extension of Bamboo Court, which was constructed as part of a housing development on the former Sunnyside Nursery site. All lots but one are at least 5,000 square feet in area. The proposed lots along Bamboo Court depart from City standards in that lots do not fan out around the cul-de-sac. Two house models are proposed, each with three elevations. All have stucco finishes with concrete tile roofs, and they complement homes in the surrounding tract.

Approximately 331 square feet of excess right-of-way will be created by completion of the curved section of Mohr Drive abutting Tract 7044. Staff recommends the vacation of the small piece of right-of-way and sale to the developer for \$1,000, since it is not required for street purposes and eliminates an area behind the sidewalk that would otherwise be the City's responsibility.

Planning Commission Action

At the Planning Commission hearing, discussion centered around the design of the tract. Rather than lots fanning around the perimeter of the cul-de-sac, the proposed lots line the north and south sides of the cul-de-sac, which ends with a wall with landscaping in front of it. The City's Subdivision Ordinance requires lots to "fan out" around a cul-de-sac, and the City's Design Guidelines state that negative view corridors should not be created, "such as a street ending at blank wall."

The Planning Commissioners who supported the project indicated that the 20 feet of landscaping proposed in front of the wall at the end of the cul-de-sac and the amount of parking that would be provided over and above a conventional cul-de-sac design, compensated for the departure from the City standards. Some Commissioners pointed out that the proposed design had the advantage to the applicant of 13 lots, whereas the typical cul-de-sac design would result in twelve lots. All supported the designs of the homes.

Speaking in support of the tract design, the applicant indicated that houses at the end of the cul-de-sac would be designed so that their occupants could not look directly from west-facing second story windows onto the adjacent rear yards of houses fronting on Mohr Drive. He indicated that the wall at the end of the cul-de-sac would be attractive, that there would be substantial tree planting between properties to preserve privacy, and that the landscaping at the end of the cul-de-sac would be maintained by owners of the two adjacent lots. He added that he would bond the landscaping for the first two years to insure that it is adequately established.

An initial motion to support the staff recommendation of denial failed on a 3:4 vote. A subsequent motion to approve the project as designed carried on a 5:2 vote.

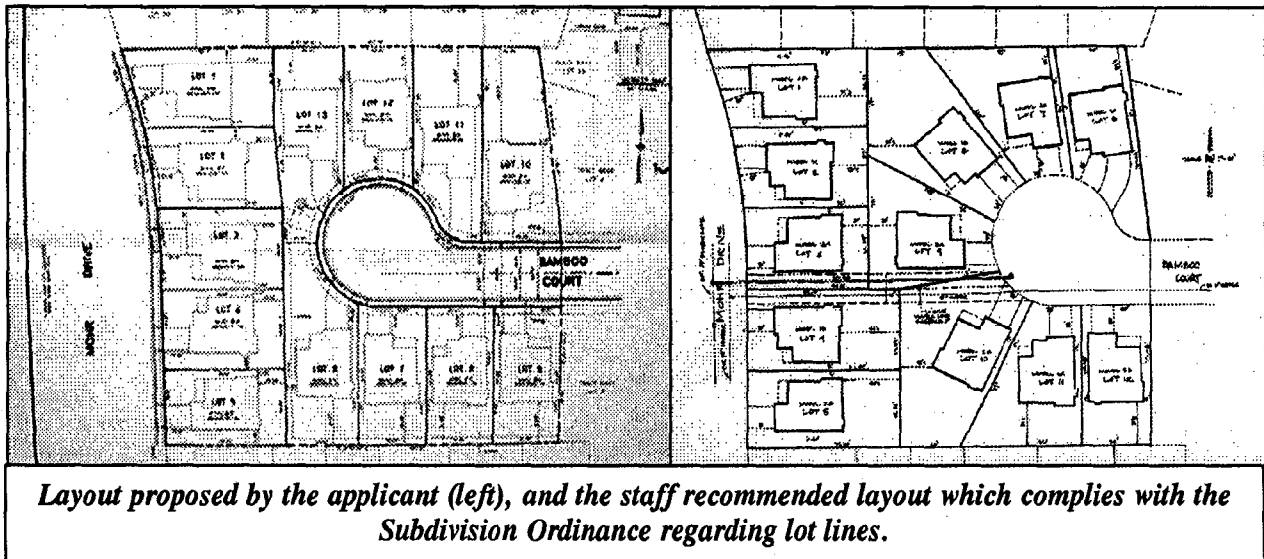
At the hearing, one individual supported the project but expressed concern about impacting local schools. Another individual who lives nearby said that there is a lack of sufficient parking in the area. She questioned the adequacy of the drainage system and asked that construction not begin before 8 a.m. Hayward Unified School District indicates that approximately seven students will come from this development and will attend Eden Gardens School located on Mohr Drive, which has adequate room to house the students. The proposed drainage system was described, which involves easements over properties to direct drainage to Mohr Drive.

Staff Position

Staff does not support the project because the design is not consistent with adopted street standards and the Design Guidelines. The standard arrangement of lots fanned around the cul-de-sac provides greater privacy for each home, as well as opportunities for residents to view activities on the street, promoting neighborhood security and a sense of community. The side yards of the lots proposed by the applicant would be between 5 and 8.4 feet of the rear yards of the homes that front on Mohr Drive, whereas the back-to-back rear yard arrangement of the

standard lot pattern provides much greater separation (at least 20 feet). In staff's opinion, a cul-de-sac is also more attractive with houses arranged around it.

Below is a comparison of the two lot configurations. The map on the left represents the configuration proposed by the applicant. The wall is placed at the end of Bamboo Court with a landscape buffer that is essentially the extension of the front and side yards of lots 8 and 13. The map on the right is the configuration that complies with City standards, placing homes at the end of the cul-de-sac.




In reference to parking, which was an issue of concern to the Planning Commission, staff finds that the applicant's Bamboo Court layout provides 11 on-street parking spaces for eight homes, whereas the staff-recommended alternative provides nine on-street parking spaces for seven homes. As such, both the proposed design and the staff suggested alternative provide more than the minimum on-street parking required by City ordinance; with the applicant's alternative providing slightly more per unit parking than the staff recommended alternative (1.37/unit vs 1.28/unit).

Summary

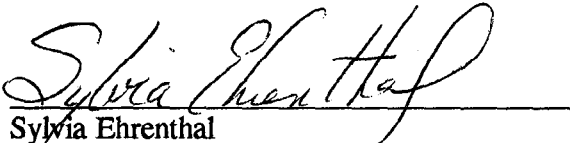
Staff is recommending denial of Vesting Tentative Map Tract 7044 and Site Plan Review Application No. 98-130-10 because the design is not consistent with adopted City standards and guidelines. Findings for denial are attached as Exhibits A and B. Recent project approvals by the City Council have reaffirmed support for maintaining the City standards that address the design of cul-de-sacs and the importance of providing sufficient separation between homes. For example, on December 8, 1998, the City Council approved the Summerhill residential development at Huntwood and Olympic wherein all lots were required to comply with cul-de-sac standards. Should Council desire to approve the lot layout as proposed by the applicant, staff will prepare the appropriate findings, conditions of approval and street vacation action for Council consideration on January 12, 1999.

Prepared by:



Sheldon R. McClellan
Senior Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A - Vesting Tentative Map Tract 7044 - Findings for Denial
Exhibit B - Site Plan Review Application No. 98-130-10 - Findings for Denial
Exhibit C - Planning Commission Meeting Minutes and Staff Report
w/attachments dated 11/12/98
Vesting Tentative Map Tract 7044
Site Plan, Floor Plans, Elevations
Draft Resolution(s)

12.23.98

EXHIBIT A

**FINDING FOR DENIAL
VESTING TENTATIVE TRACT MAP 7044
FOR 13 SINGLE-FAMILY**

**Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)
Bamboo Court**

Based on the public hearing record, the City Council finds as follows:

The tentative tract map as proposed *does not* conform with the City of Hayward Subdivision Regulations, in that it violates the requirements of the Hayward Municipal Code regarding lot design, lot lines, and lot size and proportion. The applicant did not show cause for granting of a variance due to hardship or special circumstance and has declined to provide an alternative lot layout.

EXHIBIT B

**FINDING FOR DENIAL
SITE PLAN REVIEW APPLICATION NO. 98-130-10
Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)**

Based on the public hearing record, the City Council finds as follows:

The proposed siting of residences on the single-family detached lots **does not** comply with the intent of City development policies including the City of Hayward Design Guidelines which advocates not creating negative view corridors, such as a street ending at a blank wall

4. ~~USE PERMIT APPLICATION NO. 98-160-18 - RODNEY HALL, PENTECOSTAL CHURCH (APPLICANT), CALTRANS (OWNER) - Request for the Pentecostal Church of Hayward to occupy the property and use the premises for religious services and offices, and other community services, including family and youth counseling, English language tutoring, immigration documentation assistance, dinner fund raisers, private weddings and receptions, and once a week food distribution to the needy. The site is located at 24962 Mission Boulevard (former Elks Lodge) in a General Commercial (CG-SD2) District.~~

PUBLIC HEARINGS

1. **VESTING TENTATIVE MAP TRACT 7044 AND SITE PLAN REVIEW NO. 98-130-10 - PASSPORT HOMES, INC. (APPLICANT), TOM & HELGA BARRAS, ET AL (OWNERS)** - Request to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet and to request approval of site and architectural plans for 3 single-family dwellings. The proposed project is located at 24912, 24918 and 24924 Mohr Drive and will include extension of Bamboo Court. (Amended: Request to vacate 0 to 4'-wide strip of excess Right-of-Way along Mohr Drive)

(CONTINUED FROM NOVEMBER 12, 1998)

Development Review Engineer Anastas presented the request and recommended that the Planning Commission advise the City Council to approve the negative declaration, deny the Vesting Tentative Tract Map, and deny the Site Plan Review application as submitted. He indicated that staff does not support the lot pattern as proposed by the developer because the design is inconsistent with the City's Design Guidelines and since potential impacts would be created to adjoining proposed lots. The City of Hayward Subdivision Ordinance speaks to lot lines indicating that they shall be fan-shape or radial whenever possible. He indicated that staff supports an alternate layout prepared by the applicant which complies with the Ordinance provisions but which would result in the loss of one lot.

Public Hearing Opened at 7:50 p.m.

Don Babbitt, 11626 Regio Court, Dublin, developer of the property, said that in developing the property, they paid attention to the existing neighbors and designed setbacks along the perimeter for privacy. In response to staff's objection of the blank wall, he said they would make it a precast wall, planted with ivy and additional shrubs and trees. He added that the wall could also be designed with a five-foot jog in it, to add relief to the design and create a shadow effect. As to the privacy issue, the second story would not be looking down into the backyards since there would be no eye-level windows on that side. He added that there would be a two-year insurance for the lawns to guarantee that they would take. His proposal will also increase the amount of parking in the cul-de-sac.

Al Reynolds, 2547 Erskine Lane, asked where the children would be going to school. He said he hoped the developer fees would be able to pay the cost of portables since the schools in the area are already impacted.

Maureen Bessette, 24881 Yoshida Drive, said that already parking is an issue in their neighborhood. She also wondered how this property is going to drain. She also asked that construction not begin before 8 a.m.

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers, Thursday, November 19, 1998, 7:30 p.m. 777 "B" Street, Hayward, CA 94541

Public Hearing Closed at 8:11 p.m.

Commissioner Kirby said he was sympathetic to the arguments of the developer but working from the guidelines in this kind of cul-de-sac can be problematic. He **moved**, seconded by Commissioner Fish, the staff recommendation.

Commissioner Williams said he was concerned with the one lot impact on a development of this size. He indicated that the developer had gone to some lengths to accommodate staff and he also cited the example of Graystone. He added that he lives in a cul-de-sac and children do not generally play in the street because traffic is too fast. He said he hoped the Commission would give some consideration to the special circumstances and that the developer seems to be going beyond what is necessary.

Commission Bogue also expressed concerns with the motion. He said he couldn't recall when a developer had proposed 25-feet of landscaping before. He indicated that he was leaning more toward the applicant's configuration.

Commissioner Fish said he would support the motion. He had concerns regarding the disregard of the City Ordinance. He said he could not see not following staff guidelines in this instance.

Commissioner Caveglia said he was disturbed that we give away the shorelines and the ridge but then nit-pick on a 13 home development. He said the developer has made an effort to accommodate staff recommendations. He supported a "no" vote on the motion.

Commissioner Bennett thanked the applicant for the proposal and said she would support the motion. Staff recommendation is much more neighborly and benefits the community. She added that parking is a problem in a cul-de-sac but staff's proposal provides for a sense of security. She also complimented the applicant on the design of the houses.

Commissioner Halliday said she would go along with the developer and vote against the motion. She said there has been an effort to follow the guidelines. She suggested that the landscaped area near the wall might be available for a children's play area. She also asked that a condition be included that the homes not look out over the backyards of their neighbor's homes. She added that she appreciated the thought that had gone into the houses.

The motion **failed** by the following vote:

AYES:	COMMISSIONERS Bennett, Fish, Kirby
NOES:	COMMISSIONERS Bogue, Caveglia, Halliday CHAIRPERSON Williams
ABSENT:	None
ABSTAIN:	None

Commissioner Caveglia **moved**, seconded by Commissioner Halliday, to approve the application. The special circumstances include allowing more parking and the 25-foot landscaping.

Commissioner Bogue suggested that the wall not be jogged in order to maintain the whole amount of space for landscaping.

Commissioner Fish commended the architecture for a small development. He added that it is the business of the developer to know the guidelines.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS Bogue, Caveglia, Halliday, Kirby CHAIRPERSON Williams
NOES:	COMMISSIONERS Bennett, Fish
ABSENT:	None
ABSTAIN:	None

2. **PRECISE DEVELOPMENT PLAN NO. 98-120-01 & SITE PLAN REVIEW NO. 98-130-12 - SIGNATURE PROPERTIES, INC. (APPLICANT/OWNER)** - Request for precise development plan approval and site plan review of house model plans for 135 single-family detached homes in the Bailey Ranch planned development project. The project site is located south of Hayward Boulevard/Fairview Avenue in a Planned Development (PD) District.

Associate Planner Mullen gave an overview of the report with a recommendation for approval by the Commission. This project is the Bailey Ranch property. The project will consist of 135 single-family homes. He added that the Emergency Vehicle Access has not yet been resolved. The grading on site is a balanced cut and fill project. This generally means that no significant amounts of dirt will be brought in or taken out.

Public Hearing Opened at 8:52 p.m.

Jim McKeehan, 36 Goldstone Court, Danville, project developer, said the development will have to import some dirt but none will be taken off the site. In response to Commissioner Kirby's question regarding the deeding of the open space, he said it will be offered to the public agencies with the first final map. In response to Commissioner Halliday's concerns about the amount of responsibility entrusted to the Homes Owner's Association, he said this would all be handled with a line-item budget out of which various professionals would be paid to do the work. He added that it is their intent to move as quickly as possible.

Robert Sakai, 26429 Chatham Court, said this fits the up-scale housing definition and the Woodland Estates will welcome this development. He encouraged the Commission to approve the application.

The Public Hearing Closed at 9:02 p.m.

Commissioner Halliday said the Commission has approved the plan in the past and this is consistent with what they approved. She **moved**, seconded by Commissioner Kirby, to approve the application.

Commissioner Kirby said he was impressed that the project will be fully sprinklered. He said he hoped for a citywide ordinance in this regard.



**AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD**

ITEM NO: 2

**MEETING OF:
November 12, 1998**

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner
Tim Koonze, Development Services Specialist

SUBJECT: VESTING TENTATIVE MAP TRACT 7044 AND SITE PLAN REVIEW APPLICATION NO. 98-130-10 - PASSPORT HOMES, INC. (APPLICANT) TOM & HELGA BARRAS ET AL (OWNERS) Request to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet and to request approval of site and architectural plans for 13 single-family dwellings.

The proposed project is located at 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court in an RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size) District. (APN: 441-74-16, 17, 18).

RECOMMENDATION:

That the Planning Commission recommend that the City Council:

1. Approve the Negative Declaration and find that the document is complete and final in accordance with the California Environmental Quality Act Guidelines and reflects the independent judgement of the Planning Commission;
2. Deny the Vesting Tentative Tract Map based on the attached findings; and
3. Deny the Site Plan Review application as submitted based on the attached findings.

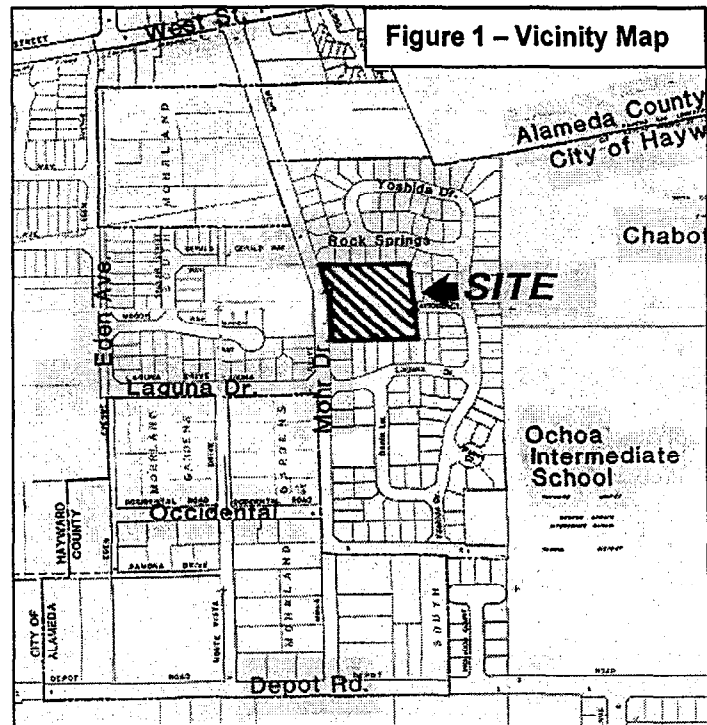
DISCUSSION:

Property Description

The site is composed of three separate parcels, which provide approximately 288 feet of frontage on Mohr Drive. The property is generally flat with a very minor slope toward Mohr Drive. The 1.92-acre site has an average depth of approximately 298 feet. Two dwellings, both of which have accessory structures, are located on the site and will be removed. Fifteen trees of various species are located on the property, mostly near Mohr Drive. While some of these trees are not in good form, others have a well-formed head and should be retained.

Adjacent Land Use

The immediate area is part of an established residential neighborhood. The adjacent properties to the north, east and south have been developed with single-family, two-story detached dwellings built on lots of 4,434-square-foot (average), with the smallest lot of 3,640 square feet and the largest lot approximately 8,000 square feet in area. These homes were developed within several tracts that are zoned PD (Planned Development) District before the City adopted standards for small lots. To the west across Mohr Drive is the Mohrland Water District well field and pump station that serves some 80 residences in the immediate area that are not within the City limits of Hayward. Beyond the pump station are single-family dwellings located on larger lots and newer subdivisions recently established on residential lots of 4,000 square feet in size.



Setting

The subject property is an island in a larger housing development that was constructed on the former Sunnyside Nursery. The subdivisions (Tracts 6713 and 6646) were developed in a Planned Development District. Bamboo Court was truncated at the easterly property line of the subject site in anticipation of extending it to a cul-de-sac with future development. The detached, single-family dwellings built by Plymouth to the north, east, and south of the site are two-story structures with dwelling sizes ranging between 1,799 square feet (3 bedrooms/2 1/2 baths) to 1,882 and 2,332 square feet (4 bedrooms/3 baths), with a few 5 bedroom dwellings containing 2,480 square feet. All of the homes were developed with a Mediterranean or Spanish design theme. These units are clad in stucco with wood trim around windows and doors and have barreled-tile roofs. These houses are varied to provide interest, and they have strong, distinctive entries. Some of the rear yards of the abutting homes of these adjacent tracts were allowed to be only 13 feet deep for the first floor and 20 feet for the second floor.

Model Designs

The applicant proposes two model types. Each of the dwellings is two-story, single-family detached. Plan 1 is a 2,360-square-foot unit with a minimum of 3 bedrooms, and 3-full bathrooms. The plans depict that this unit has a three-car garage, which does not meet the Zoning Ordinance requirement that the garage face not exceed 50 percent of the width of the dwelling in order to maintain living spaces overlooking the street. In order to not conflict with City

requirements, the developer plans to offer the third garage space as an internal storage or work space only. No garage door will be provided for this storage or workspace. The outside wall of this area will be similar to other exterior treatment. This treatment is shown on the elevation for this model. This same storage area can also be offered as an optional bedroom or den which can be connected to the entry area of the dwelling. A second floor option is also available which utilizes the open area above the family room as a bonus room or fifth bedroom or owner's retreat.

Plan 2 is a 2,220-square-foot unit containing a minimum of 3 bedrooms with 2½ baths. This unit has a three-car garage, but the third stall is in tandem to one of the front car stalls. An option to the garage is shown to provide this tandem space as an optional bedroom or den. In doing this option, the downstairs ½ bath is made slightly larger to accommodate a shower stall and the access to the garage is modified to have the door to the garage placed at the bottom of the stairwell that leads to the second floor. An option to the second floor is the provision of another bedroom and a bonus room to be built in the open area above the living room.

Staff finds the two unit plans to be acceptable. The design of these two units is varied and will provide different façade treatments to enhance the streetscape.

Elevations

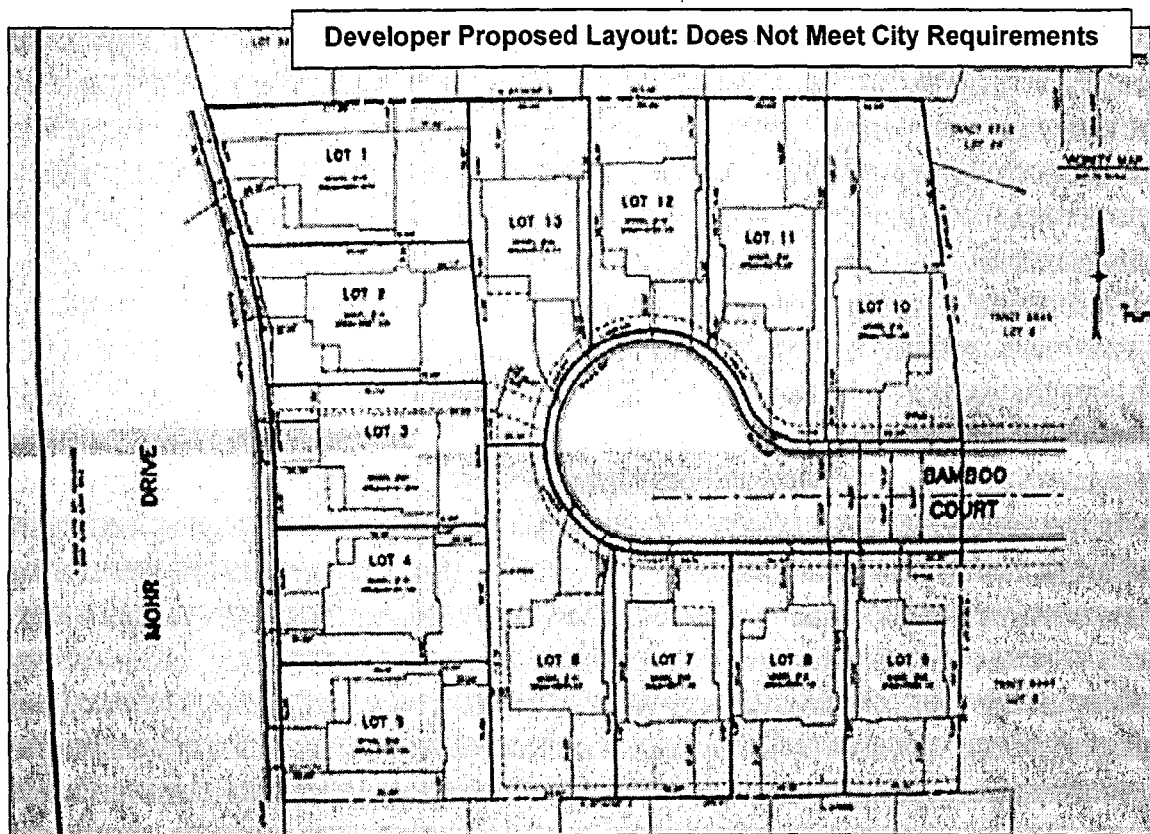
The design of the proposed dwellings is a contemporary Spanish-style with buildings being clad in stucco and incorporating Spanish barreled concrete tiles on the roof. Each floor plan has two elevation packages showing differences in the sectional garage doors, the design and color of the wainscoting or other material at the base of the structure, and the trim and arches used at the covered entries. The buildings are attractive and will provide a good house design for the homebuyer. The color package of each will provide even greater differences so that no two homes should be alike. This is a small subdivision and the developer believes that the two floor plans with two building elevations for each with change in roof types, window placement and groupings, etc. provide adequate differences to make the streetscape attractive.

Staff has pointed out to the developer that their project is an inset to an existing tract of homes that reflect a Spanish or Mediterranean theme. The City of Hayward Design Guidelines state that the "design guidelines emphasize compatibility of new construction with existing structures..." Furthermore, it states that "no building can be evaluated separately from its context, whether natural land forms or surrounding development. Individual buildings should fit well with existing or planned character of surroundings and should form a coherent pattern of circulation and open space." Regarding the architectural design of materials and colors, the guidelines states that the "selection of exterior materials and colors should take into account the existing fabric of the surrounding community." Staff finds that the proposed units are attractive, and that use of Spanish roof tiles and stucco exterior material will help make this project consistent with the design theme that has already been established in the neighborhood. The proposed homes will be compatible with the adjacent homes.

Landscaping

In order to maintain continuity throughout the small tract of homes, the applicant proposes to landscape the front yard setback area of each home site. Project landscaping will include a mixture of groundcover, shrubs and trees

The applicant has submitted an arborist report, which lists the 15 trees that are located on the property. The report indicates the health of each specimen and comments on the form and value of each tree. Some of these trees would be desirable to be retained and should be incorporated within the final landscape plans. Tree No's 11, 12 and 14 are the only three trees which are shown to be within the buildable area of the respective lots where they are located. These trees cannot be saved if the plan is approved as submitted. The Tree Preservation Ordinance requires that prior to issuance of a grading permit, that a tree removal permit be obtained for any trees to be removed from the property that meet the 10" diameter or larger size. Replacement trees shall be required for any trees removed.



Subdivision Layout

The applicant has submitted a Vesting Tentative Map Tract 7044 showing subdivision of three parcels into 13 lots. Lots 1 through 5 are shown to be oriented toward Mohr Drive. Lots 6 through 13 are shown to be fronting the extension of Bamboo Court. The smallest of the 13 lots is Lot 12, which is 4,785± square feet in area. Eight of the lots exceed 5,000 square feet in area, and the remaining four lots range between 6,114± and 7,081± square feet in area. All lots have a minimum width of 50 feet and the lots fronting Mohr Drive have a minimum

depth of 90 feet. All the lots proposed on the extension of Bamboo Court have a minimum depth of 101 feet.

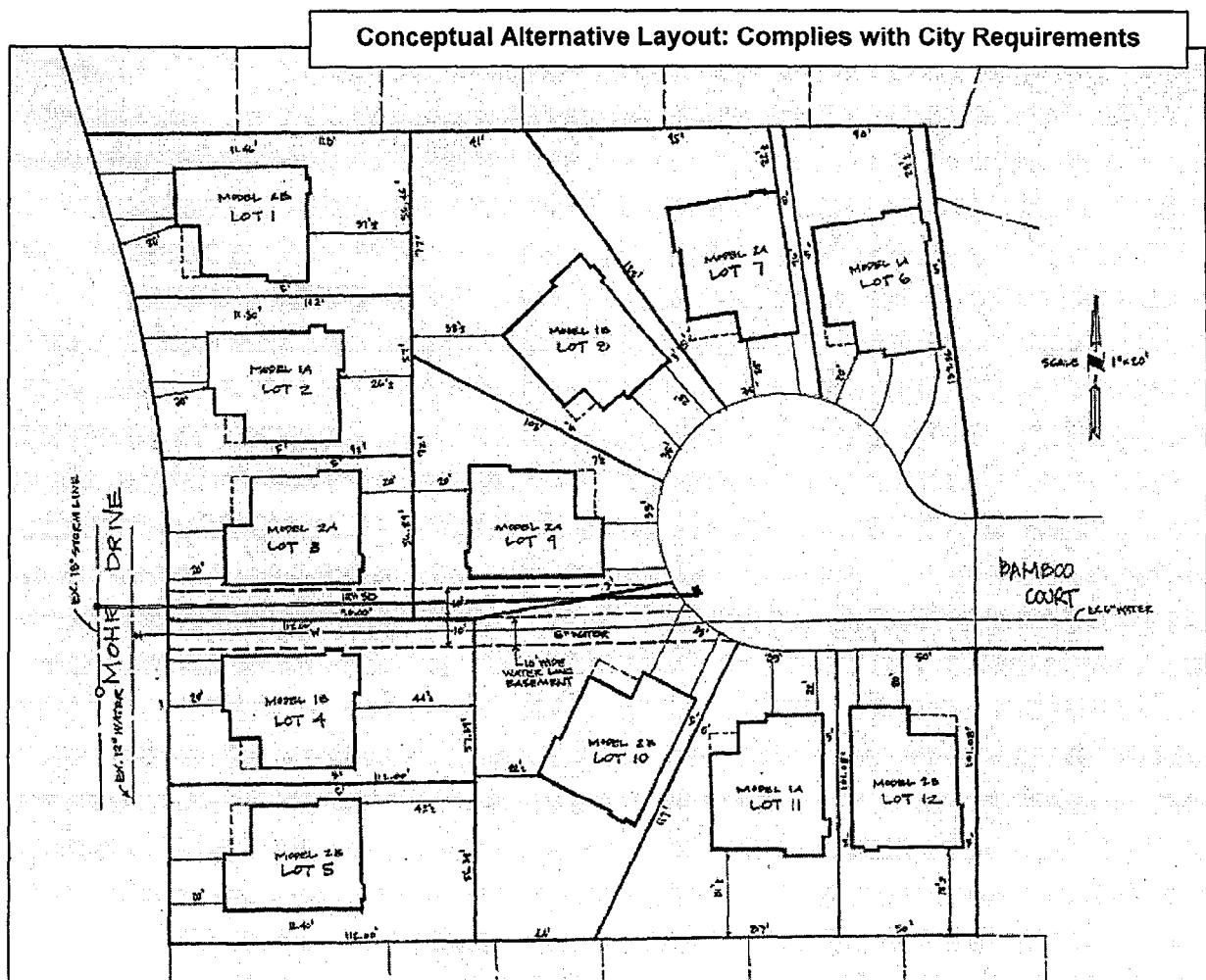
From the time of initial application, staff suggested redesigning the tract so that lots radiate from the end of the cul-de-sac in a typical format. City staff has maintained that the proposed layout of Lots 6 and 13 are impacting the proposed lots that front Mohr Drive since they place their respective dwellings closer to the lot line than those dwellings that they abut. More specifically, the proposed two story dwellings are within 5 and 8.4 feet of the side property line where the proposed abutting dwellings would be separated by this same property line of some 20 feet. The layout of this design provides for less privacy to these homes on Mohr Drive because of the potential allowance of second floor rooms looking down into the rear yard of the Mohr Drive homes. Furthermore, the depth of the lots at the terminus of the extension of Bamboo Court is only 25 feet adjacent to a wood fence which provides a less attractive view from those looking down to the end of the street. Staff believes that it would be more attractive to view homes at the end of the cul-de-sac than a 6-foot-high wood fence and the back of a house. This position is consistent with the City's design guidelines that state, "Do not create negative view corridors, such as a street ending at a blank wall."

The applicant has indicated that he does not wish to modify this design since it would mean one less lot. The developer further maintains that the design is justified since the design of the street requires that the drainage and looped water line must be taken from Bamboo Court to Mohr Drive. From a maintenance point of view, the applicant believes that it is less disruptive to the property owners to have a shorter distance to carry the utility lines than to have them pass through twice as many rear yards as proposed by staff. While the length of the utility easement would be elongated, staff does not believe this to be a major problem, since it is rare that sewer or drainage lines have to be physically opened and repaired.

In order to alleviate some of staff concerns regarding the privacy issue, the applicant has indicated that the dwellings on Lots 6 and 13 would be flipped so that on the second floor of each dwelling, there would be no major rooms that would look down into the rear yards of the proposed abutting homes to the west. As proposed by the applicant, the area on the second floor is the high ceiling area of the living space on the ground floor. The only rooms on the second floor of these two units are bathrooms and they would be provided with opaque glass. The applicant states that they would also be willing to plant a tree screen along the rear lot line of these abutting homes to provide a landscape buffer and privacy screen.

A similar lotting pattern as proposed by the applicant was recently reviewed by City Council for another project, which generated some discussion. At the City Council meeting of October 13, 1998, the Council held over the approval of Tract 7033 submitted by Greystone on the Western Garden Nursery site located on Hesperian Boulevard because of their concern over a somewhat similar lotting pattern at the end of the proposed cul-de-sac of that development. The Council was concerned about the lotting pattern since they believed it created a privacy issue to the neighboring lots. In regard to the Tract 7033, the Council approved the lot in question, but the difference between that lot and the Lots 6 and 13 of the Passport application, was that the lot was over 7,000 square feet, it had a 10-foot side yard setback, and the lots

fanned around the cul-de-sac. Because of the Council's concern over this design issue, Passport Homes was again informed of the City's policy regarding this matter. Staff has suggested to the developer that a lot layout showing 12 lots be considered. This design layout shows the shortening of the cul-de-sac on the extension of Bamboo Court and the design of the terminus lots being radiated out along the end of the street. The homes on Lots 3, 4, 9 and 10 which front Mohr Drive could be placed in such a manner to allow two 10-foot-wide easements for the extension of the storm drain and the water line to be looped to Mohr Drive. Staff believes that this is a much better design and recommends that if the project is to be approved, that the 12-lot layout be incorporated within the Vesting Tentative Map approval action.



Traffic and Circulation

Bamboo Court is a dead-end street terminating approximately 160 feet west of Laguna Drive. The City Engineer recommended that Bamboo Court not extend through to Mohr Drive, a collector street, to maintain the current minimum intersection spacing on Mohr Drive. The project will therefore extend and cul-de-sac Bamboo Court, and construct it to City standards; to be dedicated as a public street. The Mohr Drive frontage is to be improved with curb, gutter, sidewalk and tie-in paving.

Utilities & Engineering Services

In order to provide adequate drainage and a looped water system, the proposed storm drain and water mains will extend from the cul-de-sac to Mohr Drive within public easements that will be dedicated on the final map. The existing sanitary sewer main within the existing stubbed street portion of Bamboo Court is to be extended to serve the project. These proposed utilities will be public utilities owned and maintained by the City of Hayward. Utilities in the project vicinity are of adequate size and capacity to serve the proposed project.

The property is relatively flat. The rough grading that will be done, as part of this tract is minimal. Before issuance of a building permit, a soils investigation of the site will be required.

There is a power pole located at the edge of the pavement on the west side of Mohr Drive, across the street from Lot 2, that is too close to the vehicular travel way. Staff is recommending that this pole be relocated 10±-feet westerly to a location approved by the City Engineer.

General Plan, Zoning, and Neighborhood Plan Consistency

The property is designated as Limited Medium Density (8.7-12.0 Dwelling Units per Net Acre) on the General Policies Plan Map. The density of the proposed 13-unit subdivision is 6.8 dwelling units per gross acre, less than the General Plan Map " Residential-Limited Medium Density" range. The project is consistent with this designation. One of the major goals of the Housing Element of the General Policies Plan is to "Encourage the provision of an adequate supply of housing in a variety of housing types which accommodate the diverse housing needs without adversely compromising the character and integrity of the residential areas." In addition, Policy 1.2 states "Promote development of infill housing units within existing residential neighborhood."

The developer has proposed a less dense project by creating larger lots, which allows for more separation between structures and allows a greater rear yard setback than the required 20 feet. The developer believes this to be important since many of the adjoining dwellings only have a 13-foot-deep rear yard

School Facilities

The school facility that serves the property is Eden Gardens School located on Mohr Drive. Since the numbers of students generated from this development would be small, Based upon Hayward Unified School District 1998 figures, the proposed 13 new single-family detached homes will result in an estimated 7 school-age children (two K-3rd grade, two 4th -6th grade,

one 7th - 8th grade, and two 9th - 12th grade students). Elementary students in this residential project would attend Eden Gardens School. Eden Gardens School is able to house them. The district expects to receive the statutory dollar per square foot limit for development fees.

With the passage of Proposition 1A on November 3, 1998, local governments are prohibited from denying projects based on the adequacy of school facilities and from seeking funds to mitigate impacts in excess \$1.93 per square foot for residential construction.

ENVIRONMENTAL REVIEW

A Negative Declaration was prepared and distributed for a period of 20 days beginning on November 2, 1998, in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. A notice of its availability for review and notice of this hearing were sent to all property owners and occupants within 300 feet of the perimeter of the property and to other interested parties. The environmental review concluded that the project, with the recommended mitigation measures, would not have a significant effect on the environment.

PUBLIC NOTICE

On July 7, 1998, a notice was mailed to all property owners within 300 feet of the subject property, abutting residences, and interested parties regarding a preliminary meeting. One neighbor expressed concerns of relocating the power pole on Mohr Drive that was too close to the travel lane. The developer agreed to relocate the pole. A condition of approval of the project will require the relocation of the pole to a place that is in satisfaction of the City Engineer. No other comments were received.

On November 2, 1998, a notice of the Planning Commission public hearing was mailed to all property owners and occupants within 300 feet of the property, other interested parties, and former members of the Mt. Eden Neighborhood Task Force. On this same date, a public hearing notice was published in the Daily Review.

CONCLUSION

The proposed residential subdivision is consistent with adopted land use policies of the Housing Element of the General Policies Plan and the Mt. Eden Neighborhood Plan. Both encourage limited medium density housing and the opportunities for home ownership. This project will provide 12 or 13 single-family detached dwellings on minimum 4,786-square-foot lots in the neighborhood and will fill in the under utilized property that insets the newer housing development to the north, east and south of the property. Staff does not support the lot pattern as proposed by the developer because the design is inconsistent with the City's Design Guidelines and since potential impacts would be created to adjoining proposed lots. Staff does support the architectural style of the proposed dwellings and believes that these units will complement the adjoining homes found in the neighborhood.

Vesting Tentative Map Tract 7044 and Site Plan Review Application No. 98-130-10 - Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)

Prepared by,

Sheldon R. McClellan

Sheldon R. McClellan
Senior Planner

for Bashar Inastus
Tim Koonze
Development Services Specialist

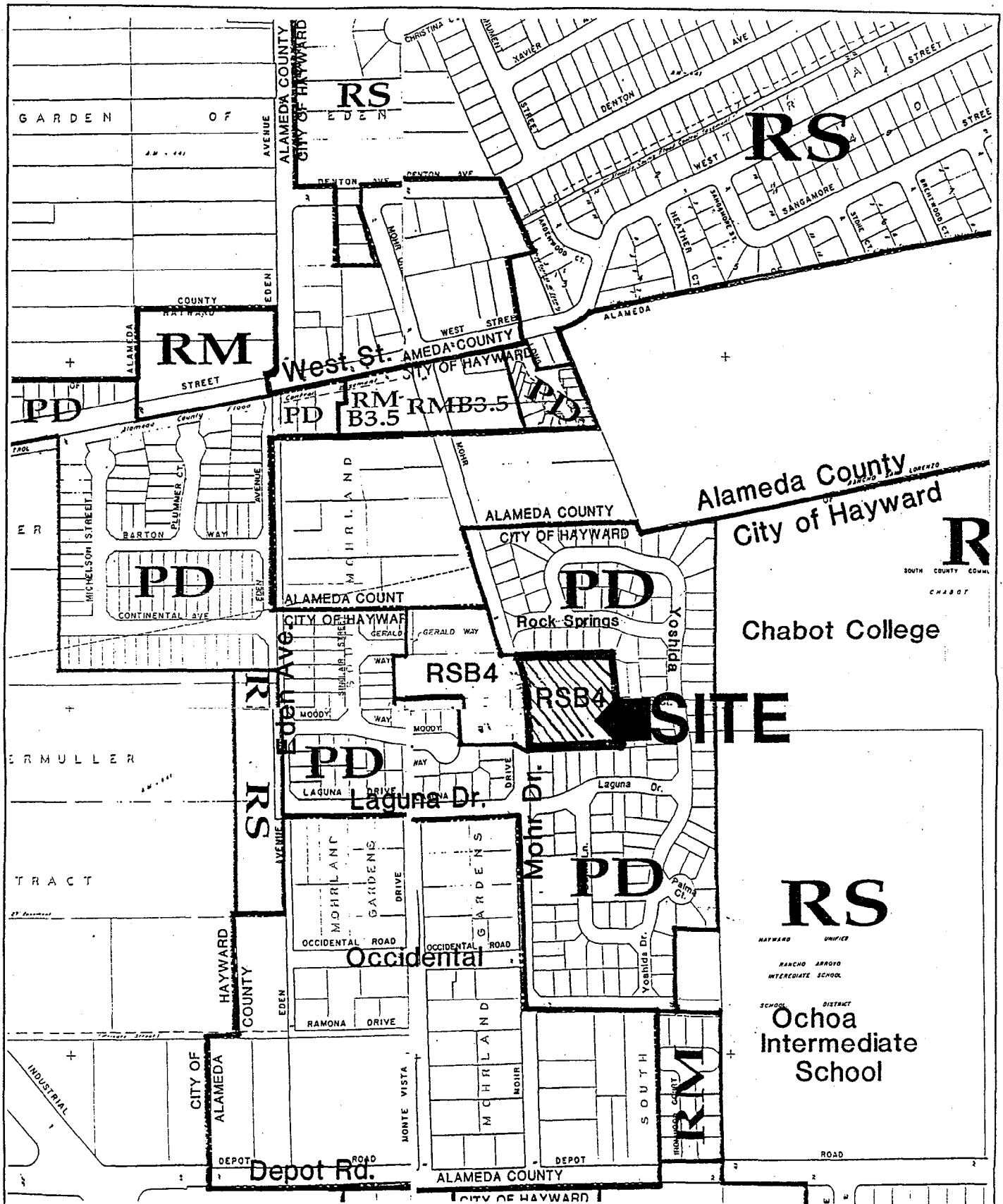
Approved by,

Dyana Anderly

Dyana Anderly, AICP
Development Review Services Administrator

Attachments:

- A - Area and Zoning Maps
- B - Negative Declaration and Initial Study
- C - Findings for Denial of Vesting Tentative Map Tract 7044
- D- Findings for Denial of Site Plan Review No. 98-130-10
- E - Tree Study by Tree Wise, dated June 10, 1998
 - Tentative Parcel Map No. 7040
 - Site Plan, Elevations and Floor Plans



ZONING/AREA MAP ■ SPR 98-130-10

Donald Babbitt c/o Passport Homes, Inc. (Applicant) ■ Tom & Helga Barras/Harry Tamura, Alice Nishioka, Sachiyo Hayashi c/o Passport Homes, Inc. (Owners)
24912, 24918 & 24924 Mohr Drive



CITY OF HAYWARD
NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

VESTING TENTATIVE MAP TRACT 7044 - PASSPORT HOMES, INC. (APPLICANT) TOM & HELGA BARRAS ET.AL. (OWNERS) - Request to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet.

SITE PLAN REVIEW APPLICATION NO. 98-130-10 - PASSPORT HOMES, INC. (APPLICANT) TOM & HELGA BARRAS, ET.AL. (OWNERS) - Request approval of site and architectural plans for 13 single-family dwellings.

The proposed project is located at 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court in an RSB4 (Single-Family Residential, 4,000-square-foot minimum lot size) District.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

- A. The project site is outside the Earthquake Hazard Zone. A soils investigation report will be required prior to issuance of a building permit.
- B. CEQA Evaluation: The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment.
- C. The proposed development of 13 single-family dwellings on individual minimum 4,000 square-foot lots is in conformance with the General Policies Plan Map designation of "Residential Limited Medium Density" and with the Mt. Eden Neighborhood Plan and conforms with policies that encourage moderate income ownership housing in infill residential areas.

- D. The proposed project is in conformance with the intent and purpose of the Zoning Ordinance designation of "Single-Family Residential, 4,000-square-foot minimum lot size) District " for the property.
- E. The proposed project will not create significant impacts related to changes in topography, water quality, or site drainage or the removal of significant vegetation or animal habitat.
- F. The proposed site plan layout provides proper access, circulation and parking for project tenants and visitors; trash and recycling storage areas are provided and there is adequate area for landscaping and private open space.
- G. The proposed project, with proposed conditions of approval, will not expose surrounding residents or future residents of the project to detrimental noise levels, light or glare, or hazardous materials.
- H. There is no evidence of historical or archaeological resources within the project area.

IV. PERSON WHO PREPARED INITIAL STUDY:



Sheldon R. McClellan
Senior Planner

Dated: November 6, 1998

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward, Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4215.

DISTRIBUTION/POSTING

Provide copies to all organizations and individuals requesting it in writing.
Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
Project file.
Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: Vesting Tentative Map Tract 7044 & Site Plan Review Application No. 98-130-10

Lead agency name and address: City of Hayward, 777 B Street, Hayward, CA 94541-5007

Contact person and phone number: Sheldon R. McClellan, Senior Planner, (510) 583-4215

Project location: 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court, Hayward, CA 94545

Project sponsor's Name and address: Donald Babbitt/Passport Homes, Inc., 11740 Dublin Boulevard, Suite #203, Dublin, CA 94568, (925) 833-8022

General Plan: Residential - Limited Medium Density

Zoning: RSB4 (Single-Family Residential - 4,000 square-foot minimum lot size) District

Description of project: VESTING TENTATIVE MAP TRACT 7044 - PASSPORT HOMES, INC. (APPLICANT), TOM & HELGA BARRAS, ET.AL. (OWNERS) - Request to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet.

SITE PLAN REVIEW APPLICATION NO. 98-130-10 - PASSPORT HOMES, INC. (APPLICANT) TOM & HELGA BARRAS ET.AL. (OWNERS) Request approval of site and architectural plans for 13 single-family dwellings.

APN: 441-74-16, 17, 18

Surrounding land uses and setting: Single-family residences zoned RSB4 (Single-Family Residential - 4,000 square foot minimum lot size) and PD (Planned Development [RSB4] Zoning Districts.

Other public agencies whose approval is required: N/A

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Mandatory Findings
Of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Sheldon R. McClellan
Signature

Sheldon R. McClellan
Printed name

August 28, 1998
Date

City of Hayward
For

ENVIRONMENTAL IMPACTS:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. *Would the proposal:*

- a) Conflict with general plan designation or zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The property is designated as Limited Medium Density (8.7-12.0 Dwelling Units per Net Acre) on the General Policies Plan Map. The proposed medium density residential project is consistent with this designation. A goal of the Housing Element of the General Policies Plan is to "Encourages the provision of housing units in a variety of housing types which accommodate the diverse housing needs of those who live, or wish to live in the City." In addition, Policy 1.2 states "Promote development of infill housing units within existing residential neighborhood in a variety of housing types. Therefore, the proposed 13-lot parcel map and the 13 single-family homes meet this policy

Impact: No impact.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project is not in conflict with environmental plans or policies adopted by City or other governmental agencies.

Impact: No impact.

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| c) Be incompatible with existing land use in the vicinity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The proposed use is compatible with other small lot single-family residential land uses in the vicinity.

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is not zoned for agricultural uses.

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not disrupt the physical arrangement of existing residential development. The project site is an infill area and will provide 13 homes on an existing vacant land.

Impact: No Impact.

II. POPULATION AND HOUSING. *Would the proposal:*

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| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The density of the project is slightly below the projected density for this site. The General Plan Designation is Limited Medium Density Residential (8.7-12.0 dwelling units per net acre) while the density proposed is at approximately 7 units per acre.

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

See II a

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is developed with three older single-family dwellings.

Impact: No impact.

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- | | | | | |
|-------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The property is outside the Hayward Special Studies Fault Zone. The site is located approximately 2.8 miles from the Hayward fault.

- b) Seismic ground shaking?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: The projected shaking intensity for this area if an earthquake with the magnitude of 7.0 were to occur on the South segment of the Hayward Fault is IX Heavy on the Modified Mercalli scale. It is projected that 18% of all single-family homes built after 1940 would be Red Tagged not fit to inhabit. (Source: On Shaky Ground-ABAG-April 1995)

Impact: Less than significant impact based on structural requirements of the Uniform Building Code.

- c) Seismic ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: This area is not known to have the potential for seismic ground failure including liquefaction.

Impact: No impact.

- d) Seiche, tsunami, or volcanic hazard?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: Not known in this area.

Impact: No impact.

- e) Landslides or mudflows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: Area is not in the hillside and is not susceptible to mudflows.

Impact: No impact.

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| f) Erosion changes in topography or unstable soil conditions from excavation, grading, or fill? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: Conditions do not exist.

Impact: No impact.

- | | | | | |
|------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Subsidence of land? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Area is not known for this condition.

Impact: No impact.

- | | | | | |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Expansive soils? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The soils are alluvial and sedimentary rock.

(Source: Geologic Map of California
Compiled by U.S. Geological Survey)

Impact: No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Unique geologic or physical features do not exist. This is an area developed with residential housing and is relatively flat.

Impact: No impact.

IV. WATER. *Would the proposal result in:*

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| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The site has been developed with a couple of single-family homes, accessory structures and a yard with trees. This project would not change absorption rates, drainage patterns or the amount of surface run-off.

Impact: No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of people or property to water related hazards such as flooding? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is not located in an area that is susceptible to flooding.

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not discharge into surface waters or affect surface water quality.

Impact: No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Changes in the amount of surface water in any water body? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect the amount of surface water in any water body.

Impact: No impact.

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| e) Changes in currents, or the course or direction of water movements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The project will not affect water currents, direction or course of water movements.

Impact: No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect ground water.

Impact: No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Altered direction or rate of flow of groundwater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect ground water.

Impact: No impact.

- | | | | | |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Impacts to groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect ground water.

Impact: No impact.

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| i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The project will not affect ground water.

Impact: No impact.

V. AIR QUALITY. *Would the proposal:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not affect the air quality standard nor will it contribute to an existing or projected air quality violation.

Impact: No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Expose sensitive receptors to pollutants? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The addition of thirteen single-family homes will not expose sensitive receptors to pollutants.

Impact: No impact.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Alter air movement, moisture, or temperature, or cause any change in climate? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not alter air movement, moisture, or temperature, or cause any change of climate.

Impact: No impact.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- d) Create objectionable odors?

Comment: This project is a residential development and will not create objectionable odors.

Impact: No impact

VI. TRANSPORTATION/CIRCULATION.

Would the proposal result in:

- a) Increased vehicle trips or traffic congestion?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: It is anticipated that 4 am and pm peak hour vehicle trips will be generated by this project. This is consistent with existing residential properties and that the addition of 13 single-family residences located on Mohr Drive and the extension of Bamboo Court will not have an impact on traffic nor cause traffic congestion.

Impact: No impact.

- b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The proposed homes are to be located on standard residential streets which have been designed with safety in mind. Adequate turning radii will be provided and automobiles will not back onto any arterial roadway. Sufficient backing space will be provided on each parcel.

Impact: No impact.

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| c) Inadequate emergency access or access to nearby uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: Adequate emergency access will be provided.

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Insufficient parking capacity onsite or offsite? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: Adequate parking will be provided. Each parcel will provide a two-car garage and 2 additional parking spaces can be provided on the driveway of each unit in addition to one space on the street, for a total of 5 spaces.

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Hazards or barriers for pedestrians or bicyclists? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | | | | |

Comment: The project will not result in hazards or barriers for pedestrians or bicyclists.

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not conflict with adopted policies supporting alternative transportation.

Impact: No impact.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- b) Rail waterborne or air traffic impacts?

Comment: Rail, water nor air traffic will be impacted.

Impact: No impact.

VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to:*

- a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site has been developed with a couple of single-family homes and accessory structures. No endangered, threatened or rare species or their habitats were observed during a field investigation on August 28, 1998 by City of Hayward Development Review Service staff.

Impact: No impact.

- b) Locally designated species (e.g., heritage trees)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site does not contain locally designated species(Source: Field investigation on August 28, 1998 by City of Hayward Development Review Service staff).

Impact: No impact.

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| c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The site does not contain locally designated natural communities.

Impacts: No impacts.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site does not contain a wetland habitat. (Source: Field investigation on August 28, 1998 by City of Hayward Development Review Service staff).

Impact: No impact.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Wildlife dispersal or migration corridors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site is not located within a wildlife dispersal or migration corridor.

Impact: Impact

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not conflict with adopted City of Hayward energy conservation plans.

Impact: No impact.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- b) Use nonrenewable resources in a wasteful and inefficient manner?

Comment: The site will receive electrical power from Pacific, Gas & Electric.

Impact: No impact.

- c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This site is located in an area that is zoned for residential development. Mineral resources are not known to exist in this area.

Impact: No impact.

IX. HAZARDS. *Would the proposal involve:*

- a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This is a residential development.

Impact: No impact.

- b) Possible interference with an emergency response plan or emergency evacuation plan?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The project does not have the potential to interfere with an emergency response or evacuation plan. Fire, Police and other emergency vehicles will be able to access the 13 single-family homes.

Impact: No impact.

- c) The creation of any health hazard or potential health hazard?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will meet City of Hayward and Uniform Fire Code standards that mitigate potential health and safety hazards.

Impact: No impact.

- d) Exposure of people to existing sources of potential health hazards?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will meet City of Hayward and Uniform Fire Code standards that mitigate potential health and safety hazards.

Impact: No impact.

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| e) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The project will not introduce flammable brush, grass, or trees. A landscape plan will be approved and a condition of approval requires the residential development to be kept free of weeds and that the landscaping is to be maintained.

Impact: No impact.

X. NOISE. *Would the proposal result in:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: A temporary increase in noise will occur during the construction of the project. However, hours of construction are regulated by the City of Hayward Noise Ordinance and the impacts will be minimal. The completed project will not create noise levels that are above noise levels for the area.

Impact: Temporary; the duration of construction.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: People will be exposed to an increase in noise levels during the construction of the project; however, the exposure to construction noise is temporary. People will not be exposed to severe noise levels.

Impact: Temporary construction noise; not to reach severe noise levels.

	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact
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XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a) Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This project will not create the need for new services.

Impact: No impact.

b) Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This project will not create the need for new services.

Impact: No impact.

c) Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: There will not be an impact beyond that anticipated in the Hayward General Policies Plan.

Impact: No impact.

d) Maintenance of public facilities, including roads?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This project will affect the maintenance of public facilities.

Impact: No impact.

e) Other government services?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Four homes will require to be added to the exiting postal route.

Impact: No impact.

	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact
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XII. UTILITIES AND SERVICE SYSTEMS.

Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?

- a) Power or natural gas?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- b) Communications systems?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- c) Local or regional water treatment or distribution facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- d) Sewer or septic tanks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

- e) Storm water drainage?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The project conditions of approval require adequate solid waste disposal and participation in the City of Hayward recycling program is required. A solid waste disposal company services the area that the project is located.

Impact: No impact.

g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

Impact: No impact Existing facilities are adequate to accommodate the project.

XIII. AESTHETICS. *Would the proposal?*

a) Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Project is not located near a scenic vista or scenic highway.

Impact: No impact.

b) Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not have a demonstrable negative aesthetic effect.

Impact: No impact.

c) Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not result in a new source of light or glare.

Impact: No impact.

	Potentially Significant Unless Mitigation Incorporated	Potentially Significant	Less Than Significant Impact	No Impact
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XIV. CULTURAL RESOURCES. *Would the proposal:*

- a) Disturb paleontological resources?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The project is located in an area not known for paleontological resources.

Impact: No impact.

- b) Disturb archaeological resources?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The project is located in an area not known for archaeological resources.

Impact: No impact.

- c) Have the potential to cause a physical change which would affect unique cultural values?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The construction of 4 single-family homes will not affect cultural values.

Impact: No impact.

- d) Restrict existing religious or sacred uses within the potential impact area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: Religious or sacred uses do not occur on this site.

Impact: No impact.

XV. RECREATION. *Would the proposal:*

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No
Impact |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: Park dedication in-lieu fees are required to be paid by the developer.

Impact: Fees will mitigate any impacts.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Affect existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XV a. In addition, the General Policies Plan designation is Limited Medium Density Residential not Open Space which would allow the development of a park.

Impact: No impact.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, Environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past | | | | |

projects, the effects of other current projects, and
the effects of probable future projects)

☐☐☐☒

- d) Does the project have environmental effects which
will cause substantial adverse effects on human
beings, either directly or indirectly?

☐☐☐☒

XVII. EARLIER ANALYSES.

None.

a) **Earlier analyses used..** None.

b) **Impacts adequately addressed.** None.

EXHIBIT C

**FINDING FOR DENIAL
VESTING TENTATIVE TRACT MAP 7044
FOR 13 SINGLE-FAMILY
Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)
Bamboo Court**

Based on the public hearing record, the Planning Commission finds as follows:

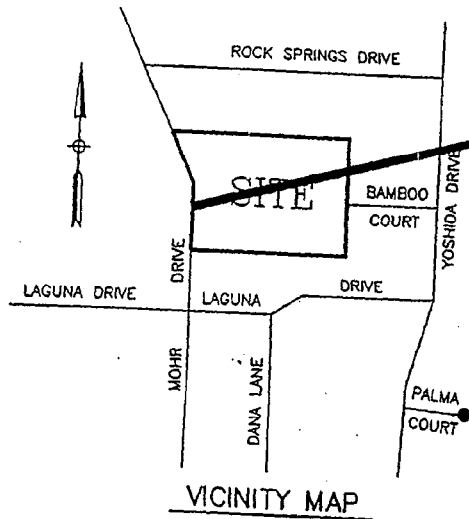
- A. The tentative tract map as proposed *does not* conform with the City of Hayward Subdivision Regulations, in that it violates the requirements of the Hayward Municipal Code regarding lot design, lot lines, and lot size and proportion. Applicant did not show cause for grant of variance due to hardship or special circumstance and has declined to provide an alternative lot layout.

EXHIBIT D

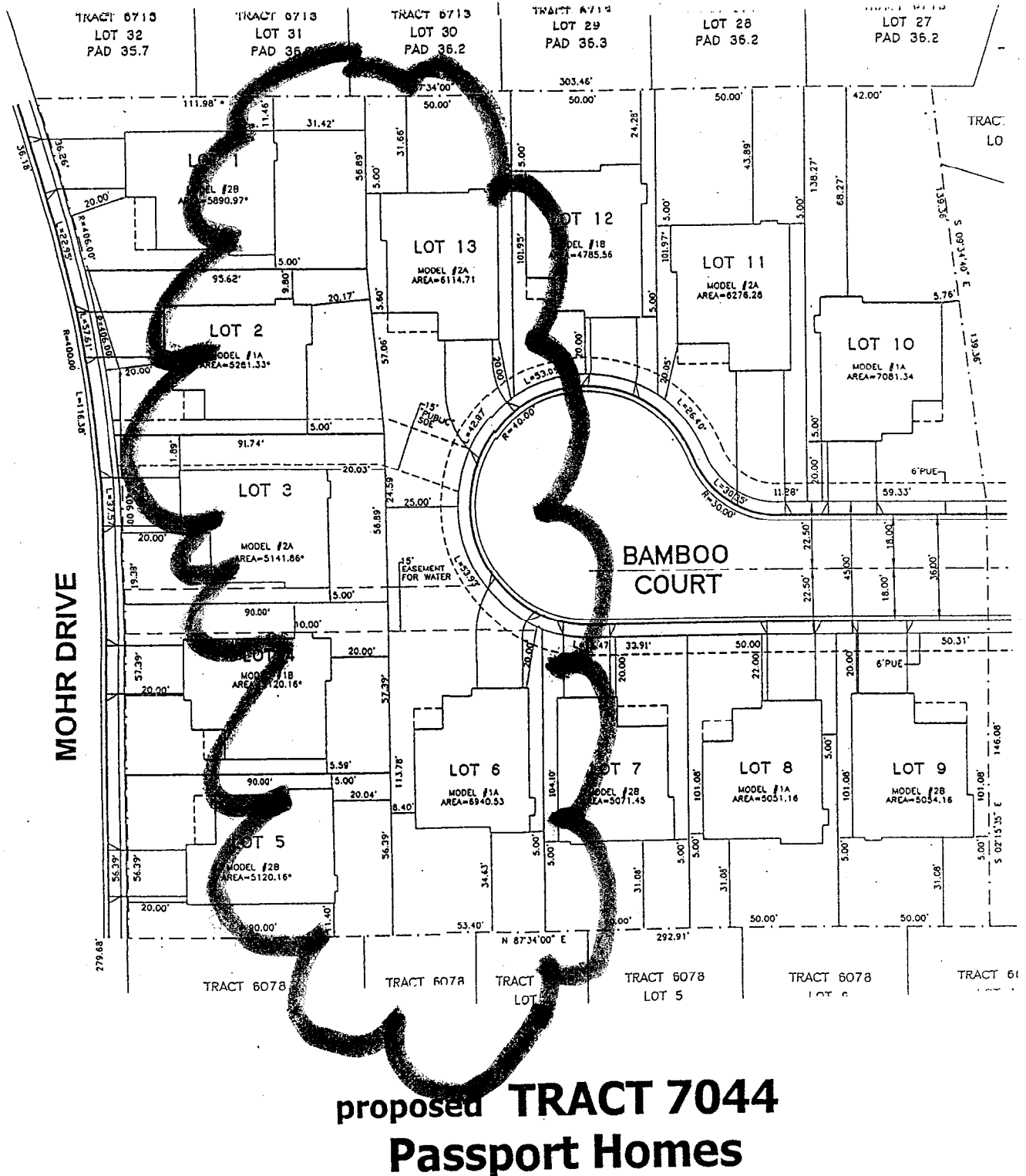
FINDING FOR DENIAL
SITE PLAN REVIEW APPLICATION NO. 98-130-10
Passport Homes, Inc. (Applicant) - Tom & Helga Barras et al (Owners)

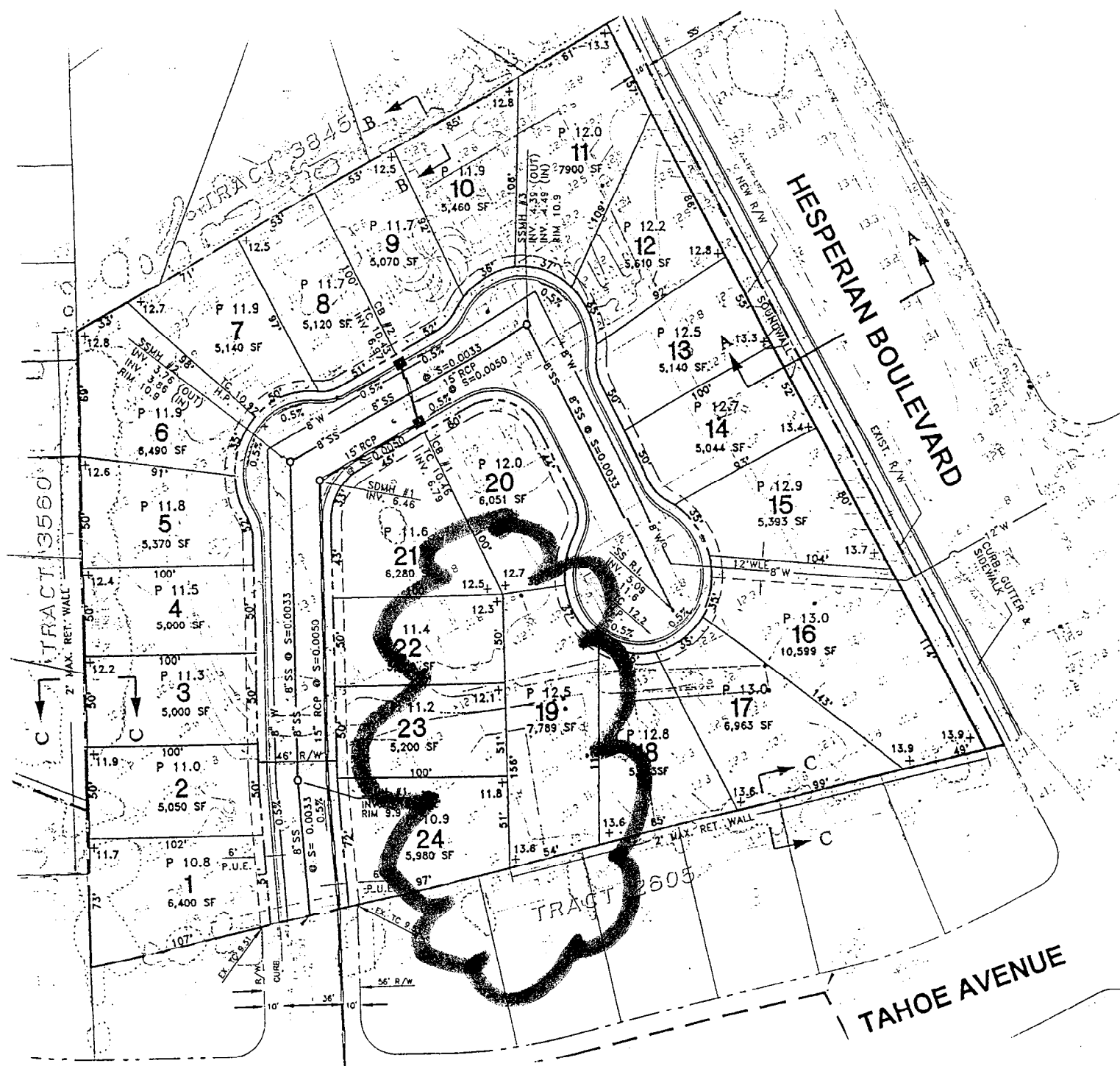
Based on the public hearing record, the Planning Commission finds as follows:

The proposed siting of residences on the single-family detached lots **does not** comply with the intent of City development policies including the City of Hayward Design Guidelines which advocates not creating negative view corridors, such as a street ending at a blank wall

[illegible]

COMPARISON OF WESTERN GARDEN NURSERY SITE (TRACT 7033) WITH PROPOSED TRACT 7044 (PASSPORT HOMES, INC.





TRACT 7033 **Greystone Homes**

DRAFT

DR
12/29/98

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION DENYING VESTING TENTATIVE MAP FOR TRACT 7044

WHEREAS, there has been presented to the City Council of the City of Hayward a vesting tentative map for Tract 7044 to subdivide three parcels totaling 1.92 acres into 14 parcels ranging in size from 4,786 square feet to 7,081 square feet and to request approval of site and architectural plans located at 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court, in an RSB4 (Single-Family Residential, 4,000 square-foot minimum lot size) District; and

WHEREAS, a negative declaration has been prepared and processed for this subdivision in accordance with City and state CEQA guidelines; and

WHEREAS, the City Council has reviewed and considered all material presented, including the record of the proceedings before the Planning Commission; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the tentative tract map as proposed does not conform with the City of Hayward Subdivision Regulation, in that it violates the requirements of the Hayward Municipal Code regarding lot design, lot lines, lot size and proportion. The applicant did not show cause for granting of variance due to hardship or special circumstance and has declined to provide and alternative lot layout.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the negative declaration is hereby approved and the vesting tentative map for Tract 7044 is hereby denied.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT JB 1/28/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION DENYING VESTING TENTATIVE MAP FOR
TRACT 7044**

WHEREAS, there has been presented to the City Council of the City of Hayward a vesting tentative map for Tract 7044 to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet and to request approval of site and architectural plans located at 24912, 24918 and 24924 Mohr Drive, easterly side, approximately 130 feet north of Laguna Drive and to the west of Bamboo Court, in an RSB4 (Single-Family Residential, 4,000 square-foot minimum lot size) District; and

WHEREAS, a negative declaration has been prepared and processed for this subdivision in accordance with City and state CEQA guidelines; and

WHEREAS, the City Council has reviewed and considered all material presented, including the record of the proceedings before the Planning Commission; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the tentative tract map as proposed does not conform with the City of Hayward Subdivision Regulation, in that it violates the requirements of the Hayward Municipal Code regarding lot design, lot lines, lot size and proportion. The applicant did not show cause for granting of variance due to hardship or special circumstance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the negative declaration is hereby approved and the vesting tentative map for Tract 7044 is hereby denied.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward